

**Remarks/Arguments:**

The above Amendments and these Remarks are in reply to the Office Action mailed January 26, 2005.

Claims 1 - 20 were pending in the Application prior to the outstanding Office Action. The Office Action rejected claims 1 - 20. This Response amends claims 1 – 18, cancels claims 19 – 20 and adds new claims 21 - 22. No new matter is added. Accordingly, claims 1 – 18 and 21 - 22 are pending. Reconsideration of the rejections and continuation of prosecution are respectfully requested.

**Rejections under 35 U.S.C. § 112**

In Items 2 - 3, pages 2 through 3, claims 17-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicant respectfully disagrees and would traverse, but elects instead to cancel claims 17 – 20 and pose new claims, rendering the rejection moot.

**Rejections under 35 U.S.C. § 102(b)**

In Items 4 - 5, pages 3 - 8, claims 1 - 8 and 10 - 20 are rejected under 35 U.S.C. 102 (b) as being anticipated by “From Dalang to Kava- the Evolution of a Reflective Java Extension” to Welch et al. [hereafter Welch]. Applicant disagrees and traverses.

Even if the Office Action’s assertions were indeed plausible, such sections fail to teach, suggest or otherwise even render obvious the embodiments recited by claim 1, at least for failing to teach: “providing the wrapper object to an application program, thereby providing the application program with access to vendor specific extension methods.” recited by amended claim 1. (Support for this claim element exists at paragraph [0025], of Applicant’s specification). Applicant’s claimed

embodiments contemplate “a returned wrapper object [...] provided to the application program such that the application program may access both standard features and non-standard vendor extensions.” (Specification, paragraph [0025]). Accordingly, Welch fails to teach, suggest or otherwise even render obvious the embodiments recited by claim 1 for at least these reasons.

Not only does the technique described in the cited passages of Welch fail to teach or suggest the recited “providing the wrapper object to an application program, thereby providing the application program with access to vendor specific extension methods,” Welch further teaches away by addressing instead the problem of “applying non-functional requirements to Commercial Off-the-Shelf (COTS) software components.” (Welch, page 1) Welch is concerned with modifying the existing behavior of COTS software packages: “Ideally, a reflective extension of Java that is intended to be used to adapt the runtime behavior of COTS components should not require access to source code ...” (Welch, page 19 [emphasis added]). Welch fails, however, to address providing an interface to anything, let alone vendor specific extensions. Thus, Welch fails to teach, suggest or otherwise even render obvious the embodiments recited by claim 1 for at least these reasons.

Further, because Welchs’ techniques for modifying COTS behavior do not necessarily include vendor specific extensions from vendor provided classes for building an interface to an application program, Welchs’ metaobjects could fail to provide the appropriate interfaces. Thus, the Office Action’s argued use of the Welch system to provide an interface between an application and vendor extensions in a web server environment would require changes to Welch’s principles of operation (see MPEP § 2143.01). Accordingly, Welch fails to teach, suggest or otherwise even render obvious the embodiments recited by claim 1 for at least these reasons.

Yet further, since there is no suggestion nor teaching in Welch to use their method to provide an interface to vendor specific extensions for an application program, and because modifications to Welch to do so would change Welch's principle of operation in a manner contrary to their stated purpose, i.e., modifying the behavior of COTS, **the idea to do so must be drawn via impermissible hindsight from the present application.** Thus, Welch fails to teach, suggest or otherwise even render obvious the embodiments recited by claim 1 for at least these reasons as well.

### **Claim 10**

Claim 10, while independently patentable over Welch at least for reciting "providing the result to the application program, thereby enabling the application program to access vendor specific extension methods of the wrapped vendor object", also recites limitations that are similar to those described above with respect to claim 1. Therefore, claim 10 is allowable over the art of record and are in condition for allowance for at least these reasons.

### **Claims 2 – 9 and 11 – 18**

Claims 2 – 9 and 11 – 18 are dependent upon Claims 1 and 10, respectively, and thus include each and every feature of the corresponding independent claims. Each of Claims 2 – 9 and 11 – 18 is therefore allowable for the reasons given above for the Claims 1 and 10. Therefore, it is respectfully submitted that Claims 2 – 9 and 11 – 18 are allowable for the reasons given above with respect to Claims 1 and 10.

**Rejections under 35 U.S.C. § 103(a)**

Item 25, pages 8 - 9, claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Welch.

Since rejected claim 9 depends directly from claim 1, the asserted combination of Welch and J2EE cannot render the embodiments recited by claim 9 obvious if such asserted combination does not render claim 1 obvious.

The failings of Welch to teach, suggest or otherwise render obvious the claimed embodiments of the present invention, as well as that Welch teaches away and would be rendered inoperable if used in a manner argued by the Office Action, have been discussed above with regard to claim 1.

J2EE fails to remedy the faults of Welch with regard to failing to teach, suggest or otherwise render obvious the recited embodiments recited by claim 1. Therefore, since claim 9 depends from claim 1 and incorporates each of the recited limitations of claim 1, the asserted combination also fails to render claim 9 obvious for at least the same reasons.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

**Conclusion**

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The

Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including May 26, 2005.

Respectfully submitted,

By:



Paul A. Durdik

Reg. No. 37,819

Date: May 25, 2005

FLIESLER MEYER LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800 x 227  
Facsimile: (415) 362-2928